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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/885,698 06/30/97 GORDON

S 1647/47358

LM02/1228

EXAMINER

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NGUYEN, S

ART UNIT	PAPER NUMBER
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2731

DATE MAILED:

12/28/99

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/885,698</b>	Applicant(s) <b>Gordon</b>
	Examiner <b>Steven Nguyen</b>	Group Art Unit <b>2731</b>

Responsive to communication(s) filed on amendment A

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

Claim(s) 1, 2, and 4-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 2, and 4-18 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to Amendment A. the Pre amendment which filed on 9/14/1997 entered into the record. The claim 3 have been canceled and claims 1-2, 4-18 are pending in the application. Therefore, this rejection is made Non Final.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “communication mechanism is a remote telephone” is vague and indefinite because it’s unclear how a communication mechanism is a remote telephone since in the claim 1, the applicant states a remote communication mechanism.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2 and 4-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnaswamy et al (USP 5867494) in view of Iwami et al (USP 5604737).

Regarding claim 1, 5-6, 8, 10-15 and 17, Krishnaswamy discloses a remote modem configured in remote system and receiving telephone transmission signals and interconnected to telephone line interface, a gateway (Fig 19F, Ref 1950 is an interface machine) for converting back and forth a telephone signal and an Internet telephone signal for transmitting between a local system and remote system (Col 24, line 5-42, disclosing a modem configured to receive a telephone transmission signal) and a second sound processing mechanism configured at the local system (Fig 10a, Ref 10) for receiving the network audio signal and processing network audio signal to provide a continuous audio signal at local system. However, Krishnaswamy discloses fails fully to disclose a converter, a first sound processing mechanism at the interface machine. However, in the same field of endeavor, Iwami discloses (Fig 1-2, 6 and Col 1, lines 55 to col 5, lines 55) a converter (Ref 21 of Fig 6) electrically interconnected to a telephone interconnection of remote modem and receiving the telephone transmission signals therefrom and providing an audio output signal a gateway (Ref 20 of Fig 1 and it well known to one of ordinary skill in the art

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to modify an LAN interface "Ref 14 of Fig 1" with WAN interface) which includes a first sound processing mechanism (Ref 12 and 15 of Fig 6) for processing audio output signal for transmission over WAN as a network audio signal, receiving the audio output signal from the converter.

Since, the voice gateway uses for converting back and forth the telephone signal and Internet phone signal to transmit via Internet is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the communication system of Krishnaswamy which allows the terminals such as a telephone and a computer to communicate with each other via Internet by applying a detail of a gateway as taught by Iwami. The suggestion/motivation would have been to reduce the cost of long distance call.

Regarding claims 2 and 11, Krishnaswamy discloses a remote telephone interconnecting to the telephone interconnection of the remote modem (Fig 1C, Ref 200 and 270-271).

Regarding claims 4, 16 and 18, Krishnaswamy discloses the second sound processing mechanism is a sound card running on a local system and configured to run an audio stream program (Fig 10A, 1050).

Regarding claims 7 and 9, Krishnaswamy discloses a remote modem is configured to communicate with automated systems to gather status information (Fig 18).

6. Claims 1-2, 4-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (PCT WO 97/23078) in view of Solomon et al (USP 5974043).

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Regarding claims 1-2 and 4-18, Huang discloses (In Fig 3a-b, 4 and Page 7, lines 21 to page 10, lines 26) an apparatus which allows the remote telephone (Ref 8 of Fig 4) and computer system (Ref 4 of Fig 4) to communicate with each other over WAN (Ref 5 of Fig 4); a converter electrically interconnected to a telephone interconnection of remote modem and receiving the telephone transmission signals therefrom and providing an audio output signal; an interface machine which includes a first sound processing mechanism for processing audio output signal for transmission over WAN as a network audio signal, receiving the audio output signal from the converter; (In Fig 3, the remote telephone "ref 1,8" dials a computer system in Fig 4, ref 4; the telephone signal should access the telephone line interface of the LEC "Ref 2,7" and convert "Ref 13 of Fig 3a" to an audio signal; then forwarding it to the Gateway "read on the interface machine" which includes a plurality of ASIC and DSP "Ref 23 and 22" to processing audio signals by using a first sound processing mechanism and transmitting it on the packet switched network "ref 5" by using packet network interface); a second sound processing mechanism configured at the local system for receiving the network audio signal and processing network audio signal to provide a continuous audio signal at local system (Ref 4 of fig 4 is a multimedia computer therefore it is inherently included a second sound processing mechanism to receiving a network audio signal form packet switched network and converting it to an audio stream). However, Huang fails to disclose a remote modem is a hardware which configured to receive a telephone transmission signal. In the same field of endeavor, Solomon et al disclose a remote modem which configured in remote system and receiving telephone transmission signals and

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interconnected to telephone line interface (See Fig 10-14b, computer 14 have a modem for connecting to a local computer via WAN and a line interface card for connecting to a remote telephone, wherein a computer 14 and local computer includes a sound card, See Fig 10, Ref 366 and col 1, lines 12-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the communication system of Haung which allows a telephone and a computer to communicate with each other by applying a remote modem into a communication system as taught by Solomon. The suggestion/motivation would have been to reduce the long distance cost for the customers.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guys (USP 5940479) discloses a method and apparatus for allowing terminals such as computer, telephone communicating via internet.

Asai (USP 5991291) discloses a method and apparatus for allowing internet phones communicating via internet.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

STEVEN H. D. NGUYEN

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December 20, 1999

*Chi Pham*  
CHI H. PHAM  
SUPERVISORY PATENT EXAMINER  
GROUP 2700  
12/23/99